

E-Filing

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OSCAR GATES,
Petitioner,

No. C 88-2779 WHA

ORDER

v.

KEVIN CHAPPELL, Warden,
Respondent.

This matter is currently stayed, based on *Rohan ex. rel. Gates v. Woodford* ("Gates"), 334 F.3d 803 (9th Cir. 2003). The United States Supreme Court has recently abrogated *Gates*. See *Ryan v. Gonzales*, 2013 WL 68690, *5-*8 (U.S., January 8, 2013).

The parties are hereby **ORDERED** to meet and confer regarding whether the stay in this matter should be lifted in light of *Ryan*. If the parties are in agreement that the stay should be lifted, they are **ORDERED** to submit a joint request to the court for the stay to be lifted, along with a proposed litigation schedule. The joint request and proposed litigation schedule should be submitted within thirty days of the date of this order.

If the parties are not in agreement that the stay should be lifted, they are **ORDERED** to submit pleadings regarding the impact of *Ryan* on this matter. Petitioner and respondent should file opening cross-pleadings within thirty days of the date of this order. Cross-replies should be filed within fifteen days of the date the opening pleadings are filed.

IT IS SO ORDERED.

Dated: January 14, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE